

Peter Bach-y-Rita  
145 Vasquez Avenue  
San Francisco, CA 94127  
peter.bachyrita@gmail.com  
(415) 948-9625

June 19, 2025

**VIA ECF**

Honorable Matthew F. Kennelly  
United States District Court  
Northern District of Illinois  
219 South Dearborn Street  
Chicago, IL 60604  
matthew\_kennelly@ilnd.uscourts.gov

RE: *Henry et al. v. Brown University et al.*, Case No. 22-cv-00125

Dear Judge Kennelly:

I am the attorney who conceived, developed, and originated this antitrust action. As counsel of record for plaintiffs in this matter, and in accordance with my ethical responsibilities, I write to inform the Court of my discussions with my colleagues and co-counsel about certain concerns I have raised with them regarding plaintiffs' counsel's potential violations of the ethical rules (in particular, Rule 1.5(f) of the Illinois Rules of Professional Conduct). I have attempted to resolve these concerns with my colleagues and co-counsel in advance of the upcoming June 20, 2025 hearing, but unfortunately have been unable to do so. Plaintiffs' counsel have not provided me with the relevant information and have variously claimed, among other things, that Rule 1.5(f) does not apply to class actions, but that counsel are meanwhile working to try to retroactively remedy any issues to the extent they can be remedied.

In an effort to evaluate whether this issue can be resolved or must be raised with the Court, plaintiffs' counsel have asked that I refrain from raising the issue in connection with tomorrow's hearing and have indicated that they will request at the hearing that the decision on their pending fee application (Dkt. 830) should not be entered before July 15, 2025, which will provide time to further evaluate the facts and ascertain whether and to what extent they present meaningful issues requiring this Court's attention. If that approach is acceptable to the Court, I am amenable to continuing my discussions with my colleagues and co-counsel in an effort to minimize undue burden on the Court, and to apprise the Court by no later than July 8, 2025, as to the status of those discussions.

Of course, I will also happily follow any other preference the Court may have, including to address this matter at the upcoming hearing or as part of an *in camera* conference or submission upon request. I look forward to receiving the Court's email invitation to tomorrow's video hearing (per Dkt. 790) and will be available to address any questions Your Honor may have.

I thank the Court for its attention to these serious issues.

Respectfully,

/s/ Peter Bach-y-Rita

Peter Bach-y-Rita

cc: All counsel of record (via ECF)